IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Court No.3

Criminal Revision No. 456/ 2001
(Old No. 1402/1986)

Smt. Patam Devi …… Revisionist.

Vs.

State & another ……Respondents.

Hon'ble Irshad Hussain, J.

Heard Sri Lokendra Dobhal learned counsel for the revisionist. None appeared for the respondent No.2.

2- This is a revision against the judgment and order dated 21.5.1986 whereby the learned Sessions Judge set aside the judgment and order of the learned Magistrate granting maintenance to the petitioner per judgment and order dated 14.3.1986.

3- The respondent No.2 had denied his marriage with the petitioner but the learned Magistrate did not accept his evidence in that regard. However the learned Sessions Judge reappraised the evidence and found that there was no valid marriage between the parties and therefore the petitioner was not entitled to receive any maintenance from the respondent No.2. The finding is based on proper appraisal of the evidence which in fact was not done by the learned Magistrate and therefore there appear to be no illegality in the conclusion drawn by the learned Sessions Judge. The revision of the husband was rightly allowed and the order of the learned Magistrate granting maintenance was set aside.

4- For the above reasons the present petition is devoid of merit and is dismissed as such.

(Irshad Hussain, J.)

Dated 21-10-2003

ISB